IN THE HIGH COURT OF UTTARTANCHAL AT NAINITAL
ORIGINAL JURISDICTION

On this 21st day of April 2004
Criminal II Bail Application No. 314 of 2004

Order on the bail application of the accused.

Criminal Side

Dharmendra S/o Preetam Singh
R/o Sankhal puri
P.S. Chandi Nagar
District Baghpat U.P. --Applicant.

Vs.

State of Uttaranchal --Respondent.

Arising out of crime No. 27/2003
U/Ss 364-A, 368, 120-B I.P.C.
P.S. Kankhal
District Haridwar.

By the Court

Hon'ble Irshad Hussain, J.

Heard Sri K.S.Verma, learned counsel for the applicant and learned A.G.A. and perused the record.

This is second bail application. The first was rejected on 16-9-2003. Learned counsel for the applicant-accused drew attention to the first statement of the alleged kidnapped boy Ashu recorded on 14-4-2003 and argued that the name of the applicant-accused was not taken by the said boy. The recovery was shown to have been made on 30-3-2003 and none was arrested on the spot. Second time the statement of the boy was recorded on 10-6-2003 which was taken into account when the first bail application was decided. Learned counsel submitted that the second statement appear to be tutored one as it was recorded after a lapse of considerable period of about two months. Another co-accused was also released on bail subsequently. Having considered this aspect of the matter and the statement of the boy as recorded on 14-4-2003 it appear to be a fit case for bail.

The applicant-accused Dharmendra shall be released on bail in crime no. 27/2003, U/S 364-A, 368, 120-B I.P.C., P.S. Kankhal, District Haridwar on his executing a personal bond and two sureties

each in the like amount to the satisfaction of the Chief Judicial Magistrate, Haridwar.

(Irshad Hussain, J.)

Dt: 21-4-2004.
ISB